IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

RICHARD D. POLLEY and
LINDA RADFORD,

      Plaintiffs,

vs.   No. 11 CV 861 KG/RHS

XUREX, INC. F/K/A/
XUREX NANO-COATINGS CORP.,

      Defendant.

ORDER DENYING AS MOOT MOTION TO RECONSIDER
AND SUCCESOR LIABILITY MOTION FOR SUMMARY JUDGMENT

This matter comes before the Court upon Plaintiffs' Motion for Entry of Orders on
Pending Motions, filed August 13, 2014. (Doc. 125). On June 30, 2014, Defendant filed a
Limited Motion to Reconsider and Memorandum in Support (Motion to Reconsider). (Doc.
106). On July 10, 2014, Plaintiffs' filed a response and on July 11, 2014, Defendant filed a
reply. (Docs. 108 and 109). On July 15, 2014, this Court deferred ruling on Defendant's Motion
to Reconsider and ordered supplemental briefing. (Doc. 113). On July 25, 2014, Defendant filed
a supplemental brief and on August 1, 2014, Plaintiffs' filed a response to the supplemental
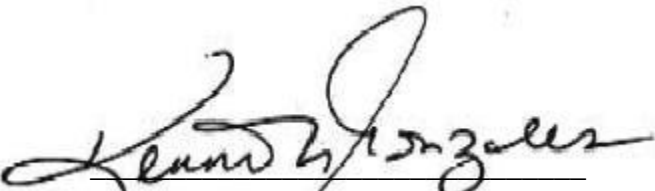briefing. (Docs. 120 and 124).

On July 24, 2014, Plaintiffs filed a Motion for Summary Judgment on Issue of Successor
Liability on Note (Successor Liability Motion for Summary Judgment) and their brief in support.
(Docs. 117 and 118). Defendant did not file a response to the Successor Liability Motion for
Summary Judgment.

Plaintiffs now move for the Court to enter orders on the Motion to Reconsider and the
Successor Liability Motion for Summary Judgment. However, on August 18, 2014, this Court

granted Plaintiffs default judgment on all claims. (Doc. 127). Accordingly, the Motion to

Reconsider and the Successor Liability Motion for Summary Judgment are thereby rendered

moot.

IT IS ORDERED that Plaintiffs' Motion for Entry of Orders on Pending Motions (Doc.

125) is granted in that:

1. Defendant's Motion to Reconsider (Doc. 106) is denied as moot; and

2. Plaintiffs' Motion for Summary Judgment (Doc. 117) is denied as moot.

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UNITED STATES DISTRICT JUDGE